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Review of capacity-building in and technical assistance on consumer protection law and policy

Review of capacity-building in and technical assistance on competition and consumer protection law and policy

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides capacity-building and technical assistance in competition and consumer protection law and policy to developing countries and countries with economies in transition in accordance with requests received and available resources. These activities include national and regional assistance in drafting competition and consumer protection laws and applying guidelines, as well as institutional capacity for better enforcement of such laws. In addition, activities include advocacy for the creation of a competition culture and the promotion of consumer welfare. The intervention strategy of UNCTAD in providing capacity-building is to establish new institutional and regulatory mechanisms for the enforcement of competition and consumer protection policy at the national and regional levels in line with the requirements of the 2030 Agenda for Sustainable Development.

This note is a progress report on the capacity-building and technical cooperation activities in competition and consumer protection law and policy carried out by UNCTAD in 2017–2018.

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Introduction

1. UNCTAD is the focal point for competition law and policy and consumer protection law and policy with the United Nations system. UNCTAD aims to assist developing countries in better participating in the global economy, and technical cooperation is a core activity.

2. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices[1] adopted by the General Assembly in resolution 35/63 of 5 December 1980 instructs UNCTAD and its member States to provide technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries.

3. The revised United Nations guidelines for consumer protection adopted by the General Assembly in resolution 70/186 of 22 December 2015 states that the Intergovernmental Group of Experts will "provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies" (section VII.B, paragraph 97 (e)).

4. Further, in the agreed conclusions adopted by the sixteenth session of the Intergovernmental Group of Experts on Competition Law and Policy,[2] the UNCTAD secretariat is requested to prepare, for the consideration of the seventeenth session, an updated review of capacity-building and technical assistance activities, taking into account information received from member States by 30 January 2018.

5. In the agreed conclusions adopted by the second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy,[3] the UNCTAD secretariat is requested to present, at the third session, an updated review of capacity-building and technical assistance in consumer protection law and policy.

6. Accordingly, this note contains information on the capacity-building and technical cooperation activities of the UNCTAD secretariat in competition and consumer protection law and policy in 2017–2018.

7. The report begins with the framework for the provision of capacity-building and technical cooperation in competition and consumer protection respectively, followed by a short presentation of ongoing UNCTAD programmes according to the nature of the activity as follows:

(a) Legal and institutional framework: Reviewing the status of laws and policies and setting up relevant institutions;

(b) Strengthening human resources capacities and implementing advocacy and awareness-raising activities;

(c) Digital tools and market studies: Knowledge management platforms and market studies;

(d) Strengthening partnerships and furthering South–South cooperation: Expert meetings, international/regional forums and partnerships.

8. The report concludes with an impact assessment of UNCTAD interventions and draws some lessons from the implementation of activities in the beneficiary countries.

[1] TD/RBP/CONF.10/Rev.2, section F, paras. 6 and 7, available at http://unctad.org/en/docs/tdrbpconf10r2.en.pdf (accessed 29 April 2018).

[2] TD/B/C.I/CLP/47, para. 10.

[3] TD/B/C.I/CPLP/9, para. 14.

I. Technical assistance and capacity-building framework

A. UNCTAD mandate on competition law and policy

9. The UNCTAD mandate dates back to the adoption of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices in 1980. The Set plays an important role in encouraging the adoption and strengthening of laws and policies in this area at the national and regional levels.

10. The resolution of the Seventh United Nations Review Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices "endorses the UNCTAD secretariat's newly adopted global strategy as a response to increased needs for technical cooperation and assistance across both public and private sectors for all developing countries, particularly among small island developing States; landlocked developing countries and other structurally weak, vulnerable and small economies; and countries in transition". It also requests UNCTAD to "perform, in consultation with relevant organizations and technical assistance providers, a review of technical cooperation activities, to avoid duplication and encourage providers and recipients of technical cooperation to recognize the results of the substantive work of UNCTAD", as well as to "identify priority areas and issues of competition law and policy for the implementation of technical cooperation activities, including problems for consideration and action within regional and subregional settings", and to "widen the search for potential donors and mobilize resources for long-term strategic interventions".[4]

11. This was confirmed in the Nairobi Maafikiano,[5] adopted by the fourteenth session of the United Nations Conference on Trade and Development in July 2016.

Box 1
Nairobi Maafikiano

From decision to action: Moving towards an inclusive and equitable global economic environment for trade and development

69. Fair, sound and robust national competition and consumer protection laws and policies are also important, as is international cooperation, information exchange and capacity-building in these areas, particularly in light of the expansion of global markets, the increasing role of transnational companies, the need for enhanced transparency and accountability, the information and communications technology revolution and the emergence of e-commerce.

76 (x).[UNCTAD should] "Continue to assist developing countries and countries with economies in transition to formulate and implement competition and consumer protection policies and laws, including through voluntary peer reviews and the sharing of best practices; as well as facilitating international cooperation among competition and consumer protection agencies together with other relevant international organizations, taking into account the revised guidelines for consumer protection".

Source: TD/519/Add.2.

B. UNCTAD mandate on consumer protection

12. The General Assembly, in resolution 70/186 on consumer protection on 22 December 2015, adopted the revised United Nations guidelines for consumer protection and established an intergovernmental group of experts on consumer protection law and policy within the framework of an existing commission of the Trade and Development Board of UNCTAD to serve as the international institutional machinery for the guidelines.

[4] TD/RBP/CONF.8/11.
[5] Paras. 69 and 76 (x).

13. Among other functions, the Intergovernmental Group of Experts on Consumer Protection Law and Policy must "provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies".[6]

II. UNCTAD intervention strategy

14. The global strategy on competition and consumer protection policies endorsed by the Review Conference was derived from experience gained by UNCTAD in implementing capacity-building activities in the developing world.[7] To ensure buy-in and commitment by beneficiary countries, all activities are planned and implemented in close cooperation with their competition and consumer protection agencies, as well as other national, regional and global networks, where appropriate. The strategy focuses on the following areas:

(a) Technical assistance for competition and consumer protection policy and regulation;

(b) An enabling environment for the private sector;

(c) Competition neutrality;

(d) Expanded regional focus;

(e) Follow-up and impact assessment of activities.

15. Competition and consumer protection policies cross-cut these areas and seek to promote stable economic conditions, strengthen competitiveness, support trade diversification, mobilize domestic and foreign investment, and improve basic infrastructure. Emphasis is placed on private sector development as a tool for promoting growth and reducing poverty. Such activities are part of the overall framework of UNCTAD technical assistance, which involves the consolidation of projects and development of thematic clusters.[8] The thematic cluster of competition policy and consumer protection encompasses the strengthening of institutional capacities in competition and consumer protection laws and policy, the formulation and enforcement of competition and consumer protection rules, and the strengthening of national and regional competition policy and consumer protection in Africa, Asia and the Pacific, the Balkans, Latin America and Caribbean, and the Middle East and North Africa.

16. Further, since the deployment of its operations in North Africa and the Middle East through the Middle East and North Africa Region programme, gender issues are being progressively mainstreamed in UNCTAD capacity-building in competition and consumer protection policy in the developing world. For example, the revision of the competition rules for the Central African Economic and Monetary Community conducted by UNCTAD in November 2017 contains a proposal to introduce in article 17 of the rules the notion of gender parity in the composition of the board of the regional competition authority to be created in this region. If the UNCTAD proposal is endorsed by the Council of Ministers of the Community, which will decide upon the adoption of these rules, it would be an innovative way to involve women in the ruling system related to the enforcement of competition law in Africa. This innovation is in line with the Sustainable Development Goals of the 2030 Agenda for Sustainable Development and is reinforced by paragraph 55 (bb) of the Nairobi Maafikiano, which recommends that UNCTAD "reinforce its work on the links between gender equality, women's and girls' empowerment and trade and development, and support member States in the design and implementation of policies and the establishment of institutions that support women's economic empowerment, economic security and rights, and enhance their economic opportunities".

[6] A/RES/70/186, para. 97 (e).

[7] See TD/RBP/CONF.8/7.

[8] See TD/B/WP/198/Rev.1.

III. Activities implemented in 2017–2018

17. In 2017–2018, UNCTAD delivered various national and regional projects in the developing world. This section opens with a brief description of the projects that are under way, followed by the activities within projects, as well as other types of cooperation. Projects are presented in chronological order, beginning with the earliest.

A. Ongoing projects

18. Since 2003, the UNCTAD Competition and Consumer Protection Policies for Latin America programme (COMPAL) has been providing capacity-building and institutional strengthening in competition and consumer protection matters to 17 beneficiary countries and one regional organization in Latin America[9] supported by the State Secretariat for Economic Affairs of Switzerland. Its purpose is to provide beneficiary countries with the necessary tools to implement competition policies in their markets and improve consumer welfare, contributing to the inclusive and sustainable development of its members.

19. Its third phase, which began in 2015, has a focus on deepening regional cooperation and enhancing the capacities of the private sector. In 2017, COMPAL implemented 90 per cent of the activities it had planned for the last year. As requested by beneficiary competition and consumer protection agencies, COMPAL has also reached out to other stakeholders such as the judiciary and businesses.

20. The UNCTAD Ethiopia project aims to strengthen the capacities of the Trade Competition and Consumer Protection Authority of the country to enforce competition and consumer protection policies, provide the national agency with tools to improve the legal and institutional framework, and lay the foundations for more effective competition law enforcement. To reach these objectives, the project aims to raise awareness among Government officials, sector regulators, policymakers, businesses and consumers about competition and consumer protection. The project, fully financed by the Grand Duchy of Luxembourg, was launched in January 2015 and will reach completion in 2018.

21. The Middle East and North Africa Region programme of UNCTAD aims primarily to promote regional economic integration by improving competition and consumer protection policies and thus foster anti-corruption, good governance and gender equality in the region. The programme's broad scope involves close engagement not only with the beneficiaries' competition authorities and consumer protection agencies and government bodies, but also with sectoral regulators, consumer organizations, business associations, the judiciary and academia. The programme aims to establish networks between the relevant stakeholders for increased cooperation at the regional level. Launched in 2015, the programme is fully funded by the Government of Sweden and benefits the following countries: Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia and Yemen.

22. The regional programme for members of the Central African Economic and Monetary Community was initiated in 2017. Funded by the European Union, the programme aims to develop and consolidate the legal and institutional framework for the promotion of competition and consumer protection policies in Central Africa, particularly in the Community,[10] the Democratic Republic of the Congo, and Sao Tome and Principe. It also aims to operationalize the competitiveness monitoring body of the Community to update and monitor the application of regional competition rules. These include supporting the objectives of national competition structures to promote economic efficiency and consumer interests by strengthening the institutional capacity for market regulation in Central Africa. The effective implementation of these mechanisms will contribute to the

[9] In 2018, COMPAL welcomed Brazil and the Andean Community to its network, which is composed of the following members: Argentina, Brazil, the Plurinational State of Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and the Andean Community.

[10] The Community is made up of Cameroon, the Central African Republic, Chad, the Republic of the Congo, Equatorial Guinea and Gabon.

improvement of the business environment in Central Africa with a view to building a competitive subregional economy, integrated into the world economy and stimulating growth and development while ensuring consumer protection.

23. UNCTAD has worked closely with the secretariat of the Association of Southeast Asian Nations (ASEAN) and its member States for several years with the support of the German Agency for International Cooperation. Projects include the ASEAN Competition Action Plan for 2016–2025; support for training and new initiatives, such as the ASEAN Research Centre on Competition; sharing experience in international best practices in consumer protection; and providing substantive inputs on ongoing work and new instruments, such as the ASEAN consumer empowerment index.

24. The Sofia Competition Forum was established in July 2012 as joint initiative of UNCTAD and the Bulgarian Commission on the Protection of Competition. The Forum aims to assist the Balkan competition authorities in adopting and enforcing competition law in compliance with the best European and international practices and to maximize the benefits of well-functioning markets for their countries. The main beneficiary competition authorities are those of Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo (United Nations Administrative Region, Security Council resolution 1244 (1999)), Montenegro, the former Yugoslav Republic of Macedonia and Serbia. Beneficiaries are committed to furthering cooperation among themselves and contributing to the activities and initiatives of the Forum.

B. Legal and institutional framework: Reviewing the status of legislation and policy and setting up relevant institutions

25. In the spirit of enhancing competition culture among the business community, COMPAL produced two sets of guidelines for business to better understand and apply competition law in Colombia and Peru, one on competition and consumer protection compliance and the other on leniency programmes. One of the agencies reported that a challenge faced during the elaboration of the guidelines was that the expert was not national and recommended that national experts should acquire a better grasp of national legislation and practices. The guidelines are planned for dissemination in both countries in May 2018.

26. Under the Ethiopia project, UNCTAD implemented a series of guidelines and manuals aimed at facilitating better implementation of the competition law of Ethiopia. In October 2017, 40 participants attended a workshop for officials of the Trade Competition and Consumer Protection Authority, judges and prosecutors. The aim of the workshop was to present and validate the cartel investigation manual and to cover the substantive aspects of cartel investigations, case examples and application of the Trade Competition and Consumer Protection Proclamation (No. 813/2013) to cartel cases in Ethiopia.

27. To validate the guidelines on mergers and abuse of dominant position, a training workshop was held in December 2017, aimed at enhancing capacities of the Authority in merger analysis and handling abuse of dominance cases. The group of trainers was mostly composed of women experts in competition issues and members from the South African comp..tition authority.

28. UNCTAD provided support in revising the competition law of Algeria and in drafting the consumer protection law of Jordan and the competition law of Palestine. It also prepared guidelines on competition (competitive neutrality) and consumer protection (agency structure and effectiveness, and business engagement) for validation and dissemination at the regional level in late 2017 and 2018. These are helpful tools for beneficiaries in their efforts to make their institutions more efficient and to achieve better regulation and increased convergence among their competition and consumer protection regimes in the Middle East and North Africa Region.

29. Under the Community project, UNCTAD conducted the revision of the draft competition rules of the Democratic Republic of the Congo (2014) based on international best practices, including the Set. UNCTAD also drafted the consumer protection law of the Democratic Republic of the Congo based on the guidelines for consumer protection.

Furthermore, UNCTAD conducted the revision of the competition rules of the Community and drafted the regional guidelines on consumer protection. Subsequently UNCTAD organized a technical workshop to assess and validate the Community's revised competition rules and the draft guidelines for consumer protection in Douala, Cameroon, in November 2017.

30. As part of a European Union cooperation project to support the competition agency of Georgia, UNCTAD was invited to contribute to the advocacy of competition law and policy in that country to the Government and the Parliament highlighting its most important features, as a revision of the competition law is under way. UNCTAD also underscored the importance of the consumer protection law and its interaction with competition law and policy through policy recommendations.

31. UNCTAD is providing assistance to the Government of Paraguay in the revision of applicable legislation on consumer protection, taking into consideration the revised guidelines for consumer protection and consumer issues relating to e-commerce.

C. Strengthening human resources capacities and implementing advocacy and awareness-raising activities

32. Under the Middle East and North Africa Region programme, UNCTAD, in cooperation with the Ministry of Economy and Trade of Lebanon, launched a regional training centre in Beirut in April 2017, following the signature of a memorandum of understanding. The centre will disseminate knowledge and contribute to reinforcing the capacities of beneficiaries in the Middle East and North Africa Region in consumer protection through training and the circulation of material, data and working tools developed for this programme. It will deliver training and support information exchange through courses in Arabic and French.

33. In May 2017, the programme organized a national awareness-raising seminar on competition law and policy, which was targeted at Ministry of Commerce officials, Competition Council members, parliamentarians, judges and representatives of academia. The programme also organized an assessment of the competition law of Algeria based on the amendments proposed by the Competition Council in December 2016.

34. Also in May, COMPAL organized a workshop in Montevideo on digital markets in Latin America. Fifty competition and consumer protection experts from Argentina, Chile, Colombia, Ecuador, Honduras, Mexico, Panama, Paraguay, Peru, the Dominican Republic, Spain, Switzerland and the European Union met to discuss issues on consumer protection and competition in digital markets, especially implications for consumer relations and the structure of the new digital markets, the use of data, as well as collaborative economies and the impact of digital markets on regional cooperation. The activity was co-hosted with the Uruguayan Consumer Protection Agency, the Commission for the Promotion and Defence of Competition of Uruguay and the Spanish Agency for International Development. The structure of the workshop on parallel sessions (one devoted to competition and the other to consumer protection) facilitated the exchange of experiences in both areas and stressed the importance of coordination and exchange of information between regional agencies for the benefit of markets and consumers. Fifty per cent of the participants and most of the facilitators were women.

35. In coordination with the National Institute for the Defence of Competition and the Protection of Intellectual Property, COMPAL organized the third edition of the School of Consumer Protection in Lima in May. The main objective of the one-week intensive course was to explore the key aspects of consumer education and voluntary compliance campaigns for businesses, with an emphasis on cases of more experienced countries, best international practices and impact, as well as national and international solutions, main challenges and needs. Training was received by 31 officials, 65 percent of which were women, in a face-to-face course delivered by academics, former heads of Latin American agencies and representatives of the Catalan consumer protection agency. The School expects the course to be replicated in their home consumer protection agencies, for which a training-of-trainers module for participants is facilitated. The course was attended by governmental officials

from Argentina, Colombia, Chile, Costa Rica, the Dominican Republic, El Salvador, Mexico, Panama and Peru. National replications were completed in August, reaching a total of 461 staff members from nine countries who received training.

36. In July, UNCTAD held a workshop for case handlers from African competition agencies in collaboration with the Japan Fair Trade Commission. The workshop aimed to strengthen capacities to combat cartel and bid rigging in public procurement and covered the presentation of international best practices in the following areas: investigative tools, detecting violations, handling of complaints and methods for conducting a preliminary investigation, planning on-the-spot inspections, gathering and utilizing digital evidence, interview techniques and competition advocacy.

37. Under the Ethiopia project, UNCTAD organized two courses on competition law enforcement for judges and prosecutors in 2017 as a follow-up to training provided in 2016 to familiarize them with primary economic and legal concepts relating to this area.

38. In July, a study visit to the competition authority of France was organized for the competition authorities in the Middle East and North Africa Region. The study visit focused on international cooperation and the European Competition Network, investigation techniques, leniency programmes and the importance of economic analysis.

39. Also in July, a national awareness-raising seminar on consumer protection law and policy was held in Jordan under the Middle East and North Africa Region programme. At the seminar, guidelines for consumer protection and other global guidelines on standards, telecommunications and financial services were presented and discussed with stakeholders. The UNCTAD consultant shared his analysis of the Consumer Protection Act of Jordan and discussed issues related to e-commerce.

40. In November, COMPAL organized a high-level intensive course on investigation techniques for operative staff of competition agencies in cooperation with the National Institute for the Defence of Competition and the Protection of Intellectual Property in Lima. Some 30 officials from Latin American competition agencies in charge of investigations in their agencies participated in a one-week face-to-face course aimed primarily at introducing the mechanisms and scope of application of research techniques, including the key aspects of design, objectives, evaluation and challenges. The comparative analysis of its application in different jurisdictions helped identify the characteristics and peculiarities that are essential to ensure the success of the investigations in a specific institutional context. The course was delivered by an expert and representatives from the competition agencies of Brazil, Peru and Spain. The course also included a training-of-trainers session to facilitate the phase for replication of the course in their home agencies. Governmental officials from Argentina, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Nicaragua, Panama, Paraguay, Peru and Uruguay attended the course. National replications were completed in March 2018, resulting in a total of 291 people trained in this subject. On average, participants increased their competencies in investigation techniques by 20 per cent.

41. COMPAL also organized a three-day intensive course on the principles of consumer protection for judges in 17 beneficiary countries in November. The course gathered 60 high-court judges from: Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay, as well as the Andean Community. The course laid the foundations for the exchange of judicial experiences in the resolution of consumer protection cases. The course also aimed to promote the enforcement of consumer protection law in Latin America in a coherent and uniform manner, within the domain of each country's legislation. COMPAL aims to create the first regional learning community to generate a source of knowledge aimed at providing support to entities in charge of ensuring consumer protection so they can make informed and homogeneous decisions. Further, it aims to promote a culture that encourages the good management of markets to contribute to the economic welfare of citizens. The course facilitators were women judges from Brazil and Chile.

42. As part of the Ethiopia project based on South–South cooperation, UNCTAD in November organized a one-week study tour for the newly appointed head of the Trade Competition and Consumer Protection Authority to visit the Zambian Competition and

Consumer Protection Commission, an experienced authority that functioned smoothly and efficiently.

43. As part of the project of the Central African Economic and Monetary Community, a regional official launch seminar was organized in November in Douala for representatives of the competition and consumer protection authorities of beneficiary countries and regional partner institutions, to inform participants on how to design and effectively implement competition and consumer protection law at the national and regional levels based on international best practices, including the Set. The seminar also focused on the competition law of the Central African Economic and Monetary Community and the presentation of the first draft of the regional directive on consumer protection in Central Africa. The following topics were the subject of presentations and discussion:

(a) Gender, competition policy and consumer protection policy;

(b) Challenges and priorities of new competition agencies in enacting competition legislation;

(c) Stakes of the preliminary draft of the directive on the protection of consumers in Central Africa;

(d) Regional integration and competition policy (the West African Economic and Monetary Union, the Economic Community of West African States, the Southern African Economic Community and the Caribbean Community);

(e) Relations between competition authorities and sectoral regulatory authorities;

(f) The link between Community rules and national rules in the administration of competition and the protection of consumers.

44. In December, a regional training workshop on competition law enforcement was organized by the Middle East and North Africa Region programme in Tunis for 40 delegates from 5 countries. The purpose of the workshop was to familiarize participants with the principles of competitive neutrality, definition of the relevant market, abuse of dominant position and investigation techniques to build capacities for effective competition law enforcement in the region. Participants also discussed the guidelines on competitive neutrality.

45. Under the same project, in February 2018, a consumer protection training centre was inaugurated in Egypt, linked to the training centre of Lebanon. The training centre is designed to deliver capacity-building activities in English for beneficiaries in the Middle East and North Africa Region. Further, a regional consumer protection workshop was organized to present and validate the guidelines on consumer protection agency structure effectiveness, on business engagement for consumer protection and on consumer associations.

46. COMPAL also facilitated an internship from February to May of an official of the competition authority of Chile to the competition commission of Switzerland to learn about the screening method for detecting cartels.

47. UNCTAD revised and issued the *Manual on Consumer Protection*.[11] The 2017 edition is the first comprehensive international reference in this field, aiming to support developing countries and countries with economies in transition in their choice of policies and providing practical tools to assist policymakers in enhancing capacities while implementing the recently revised guidelines for consumer protection.

[11] UNCTAD, 2017, *Manual on Consumer Protection* (United Nations publication, New York and Geneva).

D. Digital tools and market studies: Knowledge management platforms and market studies

48. UNCTAD worked in cooperation with the Japan Fair Trade Commission, the Japan International Cooperation Agency and the Indonesian Competition Authority in conducting a study to assess competition in the market for six agricultural products (rice, beef, sugar, chili, shallots and salt). The study was funded by the Japan International Cooperation Agency, while the participation of UNCTAD in the relevant workshops (February, Tokyo to discuss market studies and November, Jakarta to discuss the final draft of the Indonesian market study) was funded by the Japan Fair Trade Commission. UNCTAD contributed significantly to the setting up of terms of reference for the study and comments on the first and final drafts of the study report.

49. UNCTAD assessed studies conducted by the Central African Economic and Monetary Community in two strategic sectors (telecommunication and energy) for the economic integration in Central Africa, to launch investigation on potential anticompetitive practices that might exist in the above-mentioned sectors. The aim of these investigations is to promote a smooth functioning of markets in these key sectors.

E. Strengthening partnerships and furthering South–South cooperation: Expert meetings, international and regional forums and partnerships

50. UNCTAD promoted the participation of delegates from El Salvador, Ethiopia, Paraguay and the Middle East and North Africa Region at the second session of the Intergovernmental Group of Experts on Consumer Protection (3 and 4 July 2017) as well as at the sixteenth session of the Intergovernmental Group of Experts on Competition Law and Policy (5–7 July 2017).

51. The International Forum on Consumer Protection is a COMPAL initiative that enables professionals linked to consumer protection and the public in general to discuss and exchange regional concerns and priorities on consumer protection. The ultimate objective is to improve the cooperative relationships between COMPAL members and themselves with stakeholders in civil society, business and consumers. The seventh edition of the Forum took place in Mendoza, Argentina, in September and brought together 80 experts from 10 different countries. Women accounted for 65 per cent of the participants, and their active involvement was promoted by the participation in the panels. The Forum addressed the following issues: the relationship between development, competitiveness and consumer protection in Latin America; how to foster consumer confidence in regional markets and citizens' participation in consumer protection policies; sustainable consumption of food; cryptocurrencies; tools for development; and the protection of tourist consumers.

52. In November, COMPAL and the Latin American and Caribbean Economic System serviced the seventh Annual Meeting of the Working Group on Trade and Competition in San Salvador. The event gathered 70 delegates, most of whom were women, from competition and trade authorities from 17 countries to debate on trade and competition in the digital era and on the impact of non-tariff measures on competition. The Competition and Consumer Protection Branch and Trade Analysis Branch were responsible for the second day of the meeting on the impact of such measures on competition, in which a background document[12] was presented, followed by break-out sessions to discuss a case study. The sessions concluded that non-tariff measures are relevant to the mandate of competition authorities, although there has been little case law on the issue. The authorities represented expressed their appreciation for the introduction to UNCTAD work on such measures and showed a keen interest in collaborative work on the topic.

53. COMPAL has successfully built partnerships with the Spanish Agency for International Development Cooperation and with the Secretariat of the Latin American and

[12] State Secretariat for Economic Affairs of Switzerland and UNTAD, n.d., Las medidas no arancelarias y su impact en la competencia, available at https://unctadcompal.org/documento/las-medidas-no-arancelarias-impacto-la-competencia/ (accessed 29 April 2018).

Caribbean Economic System, which has reduced operational costs and enhanced impact and coherency. In the field of consumer protection, the relationship has been strengthened with the Ibero-American Forum of Governmental Consumer Protection Agencies allowing a solid debate at intergovernmental and closed levels, of the issues discussed multilaterally in the framework of COMPAL.

54. In November, the Sofia Competition Forum celebrated its tenth meeting in Sofia. The Forum gathered 80 representatives of competition authorities from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Kosovo (United Nations Administrative Region, Security Council resolution 1244 (1999)), Montenegro, the former Yugoslav Republic of Macedonia and Serbia, as well as delegates from the European Commission, the Organization for Economic Cooperation and Development and representatives of the competition authorities of Austria and Italy to exchange experiences on cases and enforcement. More than half of the attendees were women. The discussion focused on best world practices of investigating cartel cases and on information exchange between agencies.

55. In 2017, the UNCTAD secretariat received technical assistance requests on competition and consumer law and policy from member States and regional institutions. At the national level, requests for technical assistance was received from Belarus, Bhutan and Viet Nam.

56. At the regional level, the secretariat received requests from the East African Community Competition Authority, the Competition Directorate of the Common Market for Eastern and Southern Africa and the Economic Community of West African States.

57. As part of the assistance provided to the West African Economic and Monetary Union on competition from 2011–2014, UNCTAD in April 2017 organized a retreat in cooperation with the Competition Directorate of the Union to assess the report on its draft merger regulation. Completion of the work is still pending.

IV. Impact and lessons learned

58. UNCTAD provided assistance to Ethiopia by preparing a report on the status of competition policy, enhancing the knowledge of officials of the Trade Competition and Consumer Protection Authority and the Government on barriers to competition in the Ethiopian economy and measures needed to reduce them. The information provided to stakeholders on legal and institutional reforms contributed to improving the legal framework towards enhancing competitive markets in Ethiopia. It also helped in the design of soft law tools for better implementation of the competition law in the country. The report is one of the reference documents for the upcoming market studies in the iron and steel sector.

59. UNCTAD also conducted the development of soft law in Ethiopia (guidelines on mergers and abuse of dominance, on market analysis and definition of relevant markets, regulation on unfair commercial practices, investigation manual for case handlers), which facilitated better implementation of the competition law and the review of the Trade Competition and Consumer Protection Proclamation. The review is based on enforcement experience and government policy change. The Government decided to reassign the enforcement of criminal sanctions specified in the Proclamation to the Office of the Prosecutor General. To respond to this change and reflect the recommendations made in the drafting of guidelines and regulations, the drafting committee revised the Proclamation. This exercise also helped build local law-drafting capacities in Ethiopia.

60. In COMPAL, activities were successful and well received by the beneficiaries. The joint National Institute for the Defence of Competition and the Protection of Intellectual Property–COMPAL School courses were the highest valued activities of the programme in 2017, rated overall as "very good and relevant for the daily work of the agencies". National replications of this course on consumer protection were completed in September 2017, and 461 people received training on campaigns of education for consumers and of compliance for companies. Replications for the joint course on

competition were completed in March 2018, with a total of 291 people trained in investigation techniques. Courses for judges on competition and consumer protection were highly appreciated by participants, who gave a rating of 4.75/5 on the overall utility of the courses. Beneficiary agencies considered that the training given to judges in their countries had facilitated their daily work.

61. Argentina reported that the effectiveness of the capacity-building activities implemented in the frame of COMPAL were high. Various theoretical aspects on investigations techniques in the detection of cartels as well as on leniency programmes were combined with successful experiences in the region. The comparative analysis helped identify shortcomings and make an assessment to strengthen the quality and effectiveness of the tools available in Argentina, especially with the recent implementation of the leniency programme.

62. In 2017, the Middle East and North Africa Region programme underwent a reorientation of objectives, aiming to increase its regional focus and adapt activities, namely training, to the needs of the beneficiaries. The discussion and validation of several sets of guiding instruments on competition and consumer protection with the beneficiaries helped bring together national experts and various stakeholders, which is crucial to improving the competition culture and consumer protection awareness.

63. Experiences of more advanced countries providing technical assistance in competition and consumer protection reported that the focus of the assistance should be on assessing recipients' needs. The competition authority of Japan reported that the feedback of their trainees was positive. According to more than 90 per cent of trainees, the knowledge and experience they acquired in the training courses were useful. The Authority stated that donors could implement technical assistance activities more efficiently by avoiding overlaps among them. By the same token, the Competition and Markets Authority of the United Kingdom of Great Britain and Northern Ireland appreciated from anecdotal feedback that the assistance provided had been well received and considered useful. In addition, the Authority found the measures valuable in furthering mutual understanding between national authorities.

64. The regional advocacy seminar on competition and consumer protection for the beneficiary countries of the Central African Economic and Monetary Community provided participants with a better understanding of competition and consumer policy issues at the international level, on their role in implementing reforms in market-oriented economies in general and their contribution to mainstreaming competition and consumer policies in regional economic integration in Central Africa in particular.

65. It is expected that this project will contribute to the improvement of the business environment in the region with a view to building a competitive subregional economy that is better integrated into the world economy.